

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

RYAN HOBBS, : Case No. 1:13-cv-928  
Petitioner, :  
vs. : Judge Timothy S. Black  
Ohio Adult Parole Authority, : Magistrate Judge Michael R. Merz  
Respondent. :  
:

**DECISION AND ENTRY:**

**(1) ADOPTING THE SUPPLEMENTAL REPORT AND  
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE  
JUDGE (Doc. 21);**

**(2) DISMISSING WITH PREJUDICE PETITIONER'S PETITION FOR A  
WRIT OF HABEAS CORPUS (Doc. 3);**

**(3) DENYING A CERTIFICATE OF APPEALABILITY; AND**

**(4) DENYING AN APPLICATION TO PROCEED ON APPEAL *IN FORMA  
PAUPERIS***

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Michael R. Merz (previously Hon. Stephanie K. Bowman). Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on January 2, 2015, issued a Decision and Order (Doc. 16) in which he denied Petitioner's motion to submit further filings (Doc. 9) and Petitioner's motion for an evidentiary hearing (Doc. 13). Also pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on January 6, 2015, submitted a Report

and Recommendations (Doc. 17) regarding disposition of Petitioner's petition for a writ of habeas corpus. Petitioner filed Objections (Doc. 19), directed not only to the Report and Recommendations but also to the Decision and Order, and the Court recommitted the matter to the Magistrate Judge "with instructions to file a supplemental report analyzing the Objections and making recommendations based on that analysis" (Doc. 20). On January 20, 2015, the Magistrate Judge issued a Supplemental Report and Recommendations (Doc. 21). Petitioner again filed Objections (Doc. 22)<sup>1</sup>, to which Respondent responded (Doc. 23). Petitioner then filed a motion to stay proceedings and Objections to Respondent's response (Doc. 24). Pursuant to the general reference, the Magistrate Judge also reviewed this pleading and, on February 13, 2015, issued a Decision and Order (Doc. 25) denying Petitioner's motion to stay and striking his "second" set of objections.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Supplemental Report and Recommendations should be and is hereby adopted in its entirety. The Court does further determine that nothing contained within the January 2, 2015 Decision and Order or the February 13, 2015 Decision and Order is clearly erroneous or contrary to law.

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<sup>1</sup> Petitioner incorrectly interpreted the Court's January 16 Recomittal Order as a *rejection* of the Magistrate Judge's January 6 Report and Recommendations (*see* Doc. 22 at 1). Rather, the Court merely indicated that it had "preliminarily considered" Petitioner's Objections and believed they would be "more appropriately resolved after further analysis" by Magistrate Judge Merz (*see* Doc. 20).

Accordingly:

1. The Supplemental Report and Recommendations (Doc. 21) is **ADOPTED**;
2. Petitioner's petition for a writ of habeas corpus (Doc. 3) is time-barred and therefore **DISMISSED WITH PREJUDICE**;
3. A certificate of appealability under 28 U.S.C. § 2253 is **DENIED**; and
4. Because any appeal would not be taken in good faith, an application to proceed on appeal *in forma pauperis* under 28 U.S.C. Section 1915(a)(3) is **DENIED**.

IT IS SO ORDERED.

Date: 2/17/15

Timothy S. Black  
Timothy S. Black  
United States District Judge